

July 1, 2004

Mr. R. Michael Martin
California Energy Commission
1516 Ninth Street, MS-25
Sacramento, CA 95814-5512

Subject: CEC Rulemaking Docket #03-AAER-1

Dear Mr. Martin & Members of the Commission:

The Association of Home Appliance Manufacturers is the major national trade association of home appliance manufacturers and suppliers in the United States. These companies manufacture products used in nearly every home in California. I am submitting comments subsequent to the workshop held on proposed revisions to California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Sections 1601-1608.

Our first point which I raised at the workshop is that we are concerned that the data on which potential policy proposals will be based is not adequate. While AHAM was not asked to provide any data prior to the workshop we are presently attempting to gather energy use and cost data from our manufacturers. This exercise is quite involved and time consuming and is not a regular activity in the portable appliance segment. For that reason we urge the Commission to provide the industry, through AHAM, an opportunity to gather relevant data. We also need additional time to review data provided by the Commission just prior to the workshop.

AHAM Comments on Specific Products

AHAM is engaged in collecting additional information on several of these products, most notably portable air cleaners. A typical data collection exercise for cost/payback analysis can take 4-6 months to complete for US DOE. We are attempting to do this type of a shorter, focused data collection in a few weeks. It will be the end of July at the earliest before we can submit a full set of information on the usage, cost/payback, economic analysis, and technical feasibility of a proposed energy efficiency standard on portable air cleaners. We are requesting that CEC consider delaying any action on this product until 2005 at the earliest to allow for full data analysis and discussion of the impact of the standard. As we pointed out at the hearing, there is no rush to conclude a standard on this category. The US EPA Energy Star program for portable air cleaners has just been initiated and needs time to positively affect the market.

1. Evaporative Coolers

As was mentioned at the hearing, AHAM believes that the scope of CEC's rulemaking on Evaporative Coolers needs better definition. As a basis, the CEC has proposed the test procedure, ANSI/ASHRAE 133-2001, with the following modifications (See Page 47 of Staff Briefing): A.) Saturation effectiveness and fan power measured at air flow 0.3" water column external static pressure; B.) 80 deg F indoor temp; C.) 91 deg F outdoor dry bulb temp; and D.) 69 deg F outdoor wet bulb temperature. This type of test procedure may be appropriate for duct-mounted, whole-house evaporative coolers, but is not appropriate for other types that are designed for free-air discharge. Thus, for several types of evaporative coolers, there is no applicable test procedure.

AHAM suggests that CEC narrow the scope and specifically mention that the units considered for rulemaking are only those whole-house, ducted evaporative coolers.

In addition, I indicated at the hearing that there is literature available on the overall energy efficiency of evaporative coolers. I am sending copies of this information to you as part of our filing.

2. Portable Room Air Cleaners

CEC has proposed a standard based on a significant modification to the EPA Energy Star test procedure for portable air cleaners. The CEC proposal involves setting a standard using a combination of energy usage (Wattage) at an average of "high" and "low" speed. This is an aberration of the ANSI accredited test procedure which is followed by the federal government. We believe it an unnecessary deviation and one that should be eliminated. As we have indicated at the hearing and in statements below, other air moving products are currently tested on "high" speed for energy efficiency, even though they are routinely used at other speeds.

The energy information contained in the consultants report is erroneous. It is based on a very limited survey of a few, very high-end, air cleaners that do not represent the bulk of the marketplace. The consultant has made broad conclusions based on limited information. The size of the field of air cleaners in homes in California is grossly misrepresented. The usage patterns are not based on current information. The supposition that the marketplace does not reflect energy efficiency is not true. The statements about the impact of standards and economic payback are not justified. As indicated above we are in the process of generating relevant data on the usage patterns, cost, saturation, and energy use of portable air cleaners. One example of this would be the number of units in use in California. AHAM has used as a basis a 2001 NFO survey, which contains data on the saturation of air cleaners by US Census region. This data shows us that for the Western region, penetration is 14%. Another data source (Statistical Tabular Analysis Report from SCOUT) shows Pacific region with penetration at 11.6%. Thus, if you take the number of households in California, including accounting for multiple units in a household, the number of air cleaners in service in California is between 1.67 and 2.08 million. This is far below the supposition of the contractor of

2.7 million units in operation in California. This changes any potential for savings to California significantly. AHAM is also gathering further data on the usage patterns of air cleaners. We are working to deliver this information by the end of July.

3. Power Supplies

As we indicated at the hearing in May, the issue of a test procedure for External Power Supplies is still undecided. U.S. EPA has just sent a Draft 2 of the test procedure for review. This is likely not the last version of EPA's proposed test procedure. EPA has indicated to AHAM the advisability of separating test procedure requirements for battery chargers from external power supplies. The CEC should take this into account. The current EPA test procedure is not appropriate or accurate if used with Battery Chargers. With the recent introduction of an Energy Star program for External Power Supplies, we believe CEC should not mandate standards at this time. The marketplace should be allowed time to adjust to the Energy Star program and CEC should make a determination later if mandatory standards are necessary.

4. Dishwashers

CEC has used a definition of "standard" and "compact" dishwashers which was used until January 2004 by US Department of Energy (DOE). With the recent change to the 10CFR430 test procedure on Dishwashers, DOE has acknowledged the industry proposal that the difference between these machines should be based on capacity, not on width of the machine. With the other changes CEC is making, this is an appropriate time to harmonize the test procedure of CEC with DOE on this issue.

At the May 27, 2004 hearing, I was asked to provide the exact site within the CFR for reference. The new Test Procedure was announced in the Federal Register, Volume 68, No. 168, August 29, 2003 and became effective 180 days later. The section for dishwashers is 10CFR430, Subpart B, Appendix C, Definitions. I have enclosed a copy of the Federal Register notice with this filing.

5. Residential Washing Machines

AHAM opposes the setting of a standard by CEC on water efficiency standards for residential clothes washers. AHAM will be commenting to the US DOE on this issue.

6. Commercial Washing Machines

CEC has proposed establishing standards for commercial clothes washers for both energy consumption and water efficiency.

AHAM joins with the California Multi-Housing Laundry Association in support of their petition for a delay in implementation of this rule. As was pointed out at the hearing, it would appear from testimony that there is the potential for significant economic harm to the route operators in California, and to the citizens of California, if this rule is made

effective this year. In addition, the data on which this decision was made appears to be in error. Instead of a large number of units that meet the standard, it was pointed out by CMHLA and Alliance Laundry Systems that these represent approximately 13 models applicable to this situation which meet the current standard, in contrast to the "187" models which are claimed to meet. The contractor's estimates appear to include many derivative models, different by color or non-energy related features.

We respectfully request that the petition from CMHLA be granted.

7. Freezers

It is unclear from the Staff Report what the change to the text indicates. We are asking for clarification of the text.

8. Residential Exhaust Fans.

AHAM wishes to note for the record that range hoods incorporated into Microwave Ovens are covered by the Cooking Products section of NAECA. These Microwave Hood combinations proposed requirements are exempt from the CEC proposed requirements as they are pre-empted by NAECA.

Reporting Requirements.

1. AHAM would like to renew its objections to reporting requirements on any products covered by NAECA. The federal district court injunction prohibits these reporting requirements.
2. Evaporative Coolers. AHAM believes that CEC should indicate that they are seeking data on whole house, ducted evaporative coolers.
3. AHAM objects to the proposed requirements for manufacturers of portable air cleaners to report data to the CEC on performance and energy usage at different speeds of operation. Currently, manufacturers do not measure performance on speeds of operation other than "high" speed. AHAM would like to mention that other products within the scope of CEC also have multiple speeds, settings, operation levels, and features which use different amounts of energy. We are not aware of other cases where measurements at other speeds are warranted. This requirement is extremely onerous. Manufacturers would have to pay more than \$3,000 additional to test each basic model in their portfolio for operation at speeds other than "high." This would cost the air cleaner industry over \$1,000,000 in testing fees alone. Such testing and reporting is unnecessary.

Sincerely,

Wayne Morris
Vice President

Cc: Ms. Jackalyne Pfannenstiel, Chairman, CEC Committee on Energy Efficiency